



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

MAY 31 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ashland Oil, Inc.
P.O. Box 391
Ashland, KY 41114

Attention: Charles J. Luellen, President

Re: York Oil Site, Moira, New York
Request for Information Under
42 U.S.C. §9604(e)

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9601, et seq.

In order to determine the need for a response to a release or threatened release of a hazardous substance, pollutant or contaminant, choose or take a response action, or otherwise enforce the provisions of CERCLA, EPA may, pursuant to Sections 104(e)(1) and 104(e)(2) of CERCLA, require parties to provide certain information. Specifically, EPA may require parties to provide information relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature and extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. Pursuant to these statutory provisions, we hereby require that you answer the questions posed in the attached Request for Information.

This Request for Information is specifically concerned with the York Oil Site ("York Oil Site" or "Site") located approximately one mile northwest of the Hamlet of Moira in Franklin County, New York.

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Your response to this Request for Information should be post-marked or received at EPA within twenty-one (21) calendar days of your receipt of this letter, and should be mailed to Mr. Arnold Bernas, Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, Room 2930, 26 Federal Plaza, New York, New York 10278, with a copy to Michael A. Mintzer, Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency, Room 437, Region II, 26 Federal Plaza, New York, New York 10278.

Your failure to respond to this Request for Information within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA. Such enforcement action may include the assessment of substantial penalties of up to \$25,000.00 per day for each day of continued noncompliance.

Your notarized signature must appear on the enclosed Certification of Answers to Request for Information, which must be attached to the response to this information request.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available to you. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is incorrect, you are under an obligation to notify EPA thereof as soon as possible. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C., Section 3501 et seq. You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary," or "company confidential". Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in Section 104(e)(7) of CERCLA and 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

If you have any questions concerning this matter, please contact Mr. Mintzer at (212) 264-3348 or Mr. Bernas at (212) 264-7612. Thank you for your attention to this matter.

Sincerely yours,

William Mc Cabe

for Kathleen Callahan, Director
Emergency and Remedial Response Division

Attachment

cc: Donald Frankel, Esq.
Environmental Enforcement Section
US Dept of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Jerry Griffith
Director of Environmental Affairs
Ashland Oil, Inc.
P.O. Box 391
Ashland, KY 41114

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
2. In preparing your response to each question, consult with all present and former employees and agents of the Company who you have reason to believe may be familiar with the matter to which the questions pertains.
3. In answering a question, identify all contributing sources of information.
4. If you are unable to answer a question in a detailed or complete manner or if you are unable to provide any of the information or documents requested, state the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reasons for your belief.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
6. If there is anything deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion.
7. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
8. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be more specific.
9. Whenever in this Request for Information there is a request to identify a natural person or an entity other than a natural person, state, inter alia, the person or entity's full name and present or last known address.
10. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions any information which might otherwise be construed to be outside of their scope.

11. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.

12. As used herein the terms "hazardous waste", "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6903(5), (3) and (33), respectively. As used herein the term "person" shall have the meaning set forth in Sections 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

13. As used herein, the term "oil" refers to any substance, whether previously used or not, primarily derived from petroleum, including, but without limitation, fuel oils, motor oils, gear oils, cutting oils, machine oils, transformer oils, transmission fluids, hydraulic fluids, dielectric fluids, tars, lubricants or grease.

14. As used herein, the term the "Company" refers not only to Ashland Oil, Inc. as it is currently named and constituted, but also to all predecessors in interest of the Company and subsidiaries, divisions and branches of the Company.

15. As used herein, the "applicable period" shall refer to the period from January 1, 1950 to December 31, 1970.

16. As used herein, the term "York Oil Site" or "the Site" shall refer to a parcel or parcels of property located approximately one mile northwest of the Hamlet of Moira, Franklin County, New York.

17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

18. FOR EACH OF THE FOLLOWING QUESTIONS (WHETHER OR NOT SPECIFICALLY REQUESTED IN SUCH QUESTION), FURNISH COPIES OF ALL DOCUMENTS OR RECORDS THAT PROVIDE, IN WHOLE OR IN PART, ANY INFORMATION THAT IS RESPONSIVE TO THE QUESTION.

REQUEST FOR INFORMATION
to
ASHLAND OIL, INC.

1.
 - a. State the correct legal name of the Company.
 - b. Identify the legal status of the Company (corporation, partnership, sole proprietorship, specify if other) and the state in which the Company was organized.
 - c. State the names(s) and business address(es) of the President and the Chairperson of the Board of the Company.
 - d. Provide the name and address for the agent for service of process for the Company in the state of incorporation and in New York State.
 - e. If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the names(s) and address(es) of the President(s) and the Chairperson(s) of the Board of those organizations. Provide such information for any further parent/subsidiary relationships.
 - f. If the Company is a successor to another company, identify such other company and provide the same information requested above for the predecessor company.
 - g. If the Company transacted business during the applicable period (see definition of "applicable period" in the Instructions) with any of the entities identified in request for information number 4 in the name of an entity not disclosed above, give the name of such entity and state its relationship to the Company.
 - h. Identify all trade names and corporate logos used by the Company during the applicable period in conducting the type of activities (e.g., oil storage, distribution, etc.) described in this Request for Information and the dates that such trade names and corporate logos were used.
2. Enclosed are copies of documents from the public record in Onondaga County, New York relating to interests of the Company's Southern Oil Company of New York, Inc. subsidiary or former subsidiary in land and pipelines in or near the Town of Lysander, New York. Identify the nature of the interest of the Company in fuel storage tanks located in the vicinity of the Town of Lysander, County of Onondaga, New York at any time or times

during the applicable period (any such tank is hereinafter referred to as a "Storage Tank"). Specifically identify the nature of the ownership of the Company in the land on which any Storage Tank was located, the date or dates when the land was acquired, the date or dates when each Storage Tank was constructed thereon, whether the right to use any Storage Tank was leased or otherwise granted to any other person and, if so, identify the nature of such right and the person or persons holding such right, and whether any Storage Tank was demolished or removed to another location, and, if removed to another location, identify such other location and the present location of such Storage Tank.

3. With respect to the physical characteristics of each Storage Tank and its contents, identify:

- a. the capacity expressed in gallons or barrels of each Storage Tank;
- b. the material of which each Storage Tank was constructed and, if the interior was lined, the material of the lining;
- c. the physical appearance of each Storage Tank including its dimensions, color, and identifying logos;
- d. the means of ingress for each Storage Tank to permit cleaning and/or servicing;
- e. the identity of the materials that were stored in each Storage Tank from time to time;
- f. the nature and purpose of the connections between each Storage Tanks and any pipeline or common carrier for purposes of loading or unloading fuel;

4. With respect to the cleaning or servicing of the interior of each Storage Tank and its contents during the applicable period, identify:

- a. the policy of the Company concerning cleaning and servicing of the interior of each Storage tank;
- b. the dates of each cleaning of each Storage Tank;
- c. the volume per annum of sludges or residues disposed of during the applicable period;
- d. the dates when the interior of any Storage Tank was inspected by the Company and/or any regulatory authority;

e. each analysis performed at any time during the applicable period or thereafter to and including the present date of the chemical content of storage tank sludge, and provide copies of test results and any other documents relating or referring to such analysis;

f. the identity of the materials used to clean the interior of each Storage Tank;

g. whether Peirce Brothers Oil Service or any of their affiliated companies or employees (including Ken Peirce, Leland Nickerson or John Martin) participated in the cleaning of any Storage Tank and/or the removal of sludges;

h. the identity of each person (see the definition of "person" in the Instructions) who participated in the cleaning of any Storage Tank and/or the removal of sludges from Storage Tank;

5. Describe the financial arrangements for cleaning of the interior of the Storage Tanks during the applicable period [i.e., did the facility receive payment for sludges or residues, did the facility pay to have sludges or residues removed, what was the applicable payment, was the payment based on gallons delivered, constituents of the material, etc.]. In answering this question, consult the facility's accounts payable and accounts receivable records and provide copies of applicable documentation.

6. Identify each person consulted in responding to these questions and correlate each person to the question on which he or she was consulted.

7. Identify any other person having knowledge of facts relating to the Storage Tanks and the cleaning of the Storage Tanks. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)_____
TITLE (print or type)_____
SIGNATURE

Sworn to me before this
day of _____, 1991

Notary Public